



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

June 1, 2021
7:00 p.m.

- I. Call to Order
- II. Invocation by Dr. Chris Simmons, Chaplain at Frye Regional Medical Center and Behavioral Healthcare Chaplain at Frye South.
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of May 18, 2021. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A2** A. Approval of Amending the Traffic Ordinance to Reduce the Speed Limit along 6th Street NE, from 21st Avenue NE to 23rd Avenue NE and 22nd Avenue NE, from 5th Street NE to the end of 6th Street NE to 25 mph. **(First Reading Vote: Unanimous)**
 - A2** B. Budget Revision Number 21. **(First Reading Vote: Unanimous)**
 - A2** C. Text Amendment 21-01 to the Land Development Code. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
 - A** A. Approval of a Cemetery Deed from the City of Hickory to Vicki F. Scott, Southside Cemetery, Plot G, Lot Nos. 4 and 5, Section 5, (Prepared by Deputy City Attorney Arnita M. Dula). **(Exhibit VIII.A.)**
 - A1** B. Approval of Amending the Traffic Ordinance to Reduce the Speed Limit along 5th Avenue NW, from 3rd Avenue Drive NW to 9th Street NW, and 10th Street NW from 4th Avenue NW to 4th Avenue Drive NE from 35 mph to 25 mph. **(Exhibit VIII.B.)**

The Traffic Division received a completed petition from property owners along 5th Avenue NW, from 3rd Ave Drive NW to 9th Street NW, and 10th Street NW, from 4th Avenue NW to 4th Avenue Drive NW with regards to the Neighborhood Traffic Calming Program and have found the property owners in compliance with the guidelines. The petition qualifies for a speed limit reduction on the roadway(s) listed. Seventeen properties were included in the

petition and thirteen property owner(s) signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to amend the Traffic Ordinance to reduce the posted speed limit along 5th Avenue NW, from 3rd Avenue Drive NW to 9th Street NW, and 10th Street NW, from 4th Avenue NW to 4th Avenue Drive NW from 35 mph to 25 mph.

- A** **C.** Acceptance of the Bid and Approval of the Contract with James E. Harris Construction Company in the Total Amount of \$741,012. **(Exhibit VIII.C.)**

Staff requests Council's acceptance of the bid and award of the contract to James E. Harris Construction Company for the replacement of filtration media and upgrades at the Water Treatment Facility in the amount of \$673,647 plus a ten percent contingency of \$67,365 for a total amount of \$741,012. In February 2019, Council approved an evaluation of the filters at the Water Treatment Facility. This study was completed in November 2019. Based on the study findings and the Engineer's recommendation, it has been determined that the filters be rehabilitated and upgraded by replacing filter components such as media and replacing original sub-surface sweeps with air scour backwash capabilities. Subsequently, in October 2020, Council approved a contract with McGill Associates P.A. for the design, permitting, and construction of these upgrades. It is the recommendation of the Engineers that the filter media be replaced, and the backwash system be upgraded. Bids were solicited by McGill and received on May 4, 2021, with the following responses: James E. Harris Construction Company - \$673,647; JS Haren Company - \$737,000; WGK Construction, LLC - \$820,504; Frizzell Construction Company - \$834,750; Laughlin-Sutton Construction Company Inc. - \$846,750; and Turner Murphy Company Inc. - \$1,157,662. James E. Harris Construction Company was the lowest responsive bidder. A ten percent contingency is recommended for this project due to unknown conditions of the concrete structure of filters. Staff recommends Council's acceptance of the bid and award the contract to James E. Harris Construction Company for the replacement of filtration media and upgrades at the Water Treatment Facility in the amount of \$673,647 plus a ten percent contingency of \$67,365 for a total amount of \$741,012.

- A** **D.** Approval of a Resolution Accepting the Offer from Derrick Pope for the Sale of the Property Located at 511 2nd Street SW and Authorize Staff to Advertise for Upset Bids. **(Exhibit VIII.D.)**

The City owns the property located at 511 2nd Street SW. This parcel was sold to the City by Interfaith Housing Development Corporation. The parcel is currently undeveloped. Mr. Derrick Pope owns the adjacent lot where he keeps his residence. He has approached the City to purchase the property with plans to add the property to his lot. The property was purchased with Community Development Block Grant funds. Therefore, the sale must benefit low-and-moderate income people. A sale to an adjacent low-and-moderate income homeowner meets these requirements. Mr. Pope has offered \$5,000 for the property. The current tax value is \$7,500. Given the topography and drainage patterns of the lot, building a home on the lot would be difficult. This makes a sale to the adjacent property owner beneficial as the City will no longer have to maintain the lot. The upset bid process will allow any other interested party to bid on the property subject to the income requirements. Staff recommends that City Council adopt a resolution accepting the offer from Derrick Pope for the sale of 511 2nd Street SW and authorize staff to advertise for upset bids.

- A** **E.** Approval of a Pyrotechnic Display Permit to Starfire Pyrotechnics for a Fireworks Display at the Hickory Motor Speedway. **(Exhibit VIII.E.)**

Kevin Piercy, General Manager of the Hickory Motor Speedway, has submitted a request to obtain permission to conduct a public firework display on the following dates: Friday, July 2, 2021. The following would be a rain date: Saturday, October 2, 2021. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's

(ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics displays.

PH F. Call for Public Hearing for Consideration of Amendments to Article III of Chapter 2 of the Hickory Code of Ordinances Regarding the Reorganization of the Hickory Regional Planning Commission. **(Authorize Public Hearing for June 15, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.F.)**

A G. Acceptance of the Grant Agreement in the Amount of \$491,257 with Golden LEAF Foundation for the Future Trivium Court Extension Project. **(Exhibit VIII.G.)**

Staff requests acceptance of the Golden LEAF Foundation Grant Agreement for the FY2021-066 Future Trivium Court Extension project in the amount of \$491,257. The City of Hickory has requested funding to support the extension of a road within the Trivium Corporate Center Park. This funding could support infrastructure access to one site and enable access to additional acreage that could support 750,000 square feet of a new building space. In partnership with Catawba County, the City of Hickory has been pursuing grant funding for development and construction as it relates to the Trivium Corporate Center. The City was awarded a grant in the amount of \$491,257 for the future Trivium Court Extension project on the southeastern part of Trivium Corporate Center. Staff recommends City Council's acceptance of the \$491,257 grant agreement with Golden LEAF Foundation for the future Trivium Court Extension project.

A1 H. Budget Revision Number 22. **(Exhibit VIII.H.)**

1. *To appropriate \$714,000 in Fund Balance (\$357,000 each from the General Fund and Water/Sewer Fund) to purchase approximately 74 acres adjacent to L.P. Frans Stadium for future recreation and utility infrastructure needs.*
2. *To appropriate \$150,000 in General Fund Balance for exterior improvements including painting, pressure washing and landscaping at City Hall.*
3. *To appropriate \$30,000 in revenue received from the sale of two garbage trucks in the Solid Waste Fund towards the purchase of a truck for the Garage in the Fleet Fund.*
4. *To transfer \$10,910 from the General Fund – Police Department, Fuel & Motor Oil line-item to the General Capital Projects Fund to increase the Public Safety Building Capital Project Ordinance.*
5. *To recognize and appropriate \$491,257 in Golden Leaf funds received for the Trivium Corporate Center Capital Project for the development of an access road within the industrial park.*
6. *To increase the General Fund budget for the anticipated increase in Occupancy Tax Revenues for FY20-21 in the amount of \$250,000. Occupancy Tax revenues are transferred directly to the Tourism Development Authority and are not used for City operations.*
7. *To appropriate \$305,855 from the Capital Reserve Fund and transfer to the Water & Sewer Fund for a filter upgrade at the Water Treatment Facility.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Consideration of the City Manager's FY2021-2022 Recommended Budget Presentation by City Manager Warren Wood. **(Exhibit XI.A.1.)**

B. Departmental Reports

1. Appointments to Boards and Commissions

VACANT

VACANT

VACANT

VACANT

VACANT

YOUTH COUNCIL APPLICANT REVIEW COMMITTEE RECOMMENDS THE FOLLOWING APPOINTMENTS:

VACANT

VACANT

VACANT
VACANT

VACANT
VACANT

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**